



provides this tool. The District has been able to supply this tool to its staff largely due to the support provided by E-Rate.

2. The FCC rule requirement for cost effectiveness and price as a primary factor has not been violated. 47§54.503(c)(vi)(2)(ii)(B) does require that “all bids submitted for eligible products and service will be carefully considered, with price being the primary factor, and the bid selected will be for the most cost-effective service offering (with further reference to 47§54.511, which reiterates that selection of a provider of eligible services must revolve around cost-effective offerings). Neither of these sections require that eligible services be put in competition with each other, only that, once a local agency has determined that they need a service that is eligible for E-Rate support, that they run a fair and open competitive bidding process to determine which of the service providers has the most cost-effective solution for their needs. The presumption in the Modernization Orders that WiFi access is more cost-effective than cellular data service pits two types of service against each other, eliminating the local agency decision process.

Summary

Loss of cellular data service due to the rollback of support for voice services and elimination of support for cellular data will decrease the safety of our students while on our property. We find pitting public safety against cost effectiveness the most baffling conflict between two FCC rules. In this time of hyper awareness of public safety, we suggest it is difficult for the FCC to justify prioritizing cost effectiveness over safety. We understand that the FCC cannot support duplicative services and we acknowledge that in everyday use, cellular data service looks very much like accessing WiFi networks. It would seem reasonable to compare the cost effectiveness of the two services if you do not consider the implications of various emergency situations. However, we believe section 254(c)(1)(A) requires the FCC to consider these emergency situations when determining the eligibility of a service for E-Rate support. The simple fact is that building WiFi networks are not reliable in emergency situations. Consider the simple example of a fire in a school building. The likelihood of the WLAN equipment remaining functioning and uncompromised by the combination of the fire and the fire suppression efforts is low. However, nearby cellular towers would remain unaffected by this emergency and the ability of a principal to use his cell phone to both call for emergency responders and email fellow district administrators for assistance would be a lifesaving necessity. The same would be true for equipment that is not on the premise of a building under assault by an active shooter. It is important to note that FBI statistics indicated that 60% of active shooter incidents end before the police arrive, making the [District or Library] staff the first line of defense against such a threat (Blair, J. Pete, and Schweit, Katherine W. (2014). A Study of Active Shooter Incidents, 2000 - 2013. Texas State University and Federal Bureau of Investigation, U.S. Department of Justice, Washington D.C. 2014). We would also like to point out that the FCC's own advice in severe weather (posted on the FCC website under "Preparedness, Response and Recovery; How to communicate during a severe weather emergency) recommends the use of cellular service, voice, texting, and data usage. We do not believe it serves the public interest by eliminating the use of tools for schools and libraries the Commission recommends to the general public.

Cellular data service has been on the eligible service list since 2003. We understand that the goals of the two modernization orders have been to shift the focus of the program to providing support for driving more bandwidth to and into eligible schools and libraries. We also understand that when the

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